

Procedures for Dispute Resolution



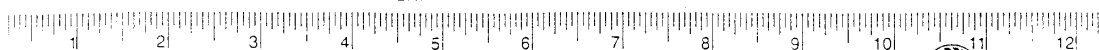
*Office of Special Education and
Early Intervention Services*

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“Show me how this helps teachers teach and children learn.”

MICHIGAN DEPARTMENT OF EDUCATION DECISION MAKING RULER - 2001



Procedures for Dispute Resolution

Mediation is a voluntary process available by request of either parents or school officials to resolve a dispute that arises with respect to special education matters. Mediation is available without the need to request a due process hearing or file a formal complaint. Mediation is also available when a due process hearing or a formal complaint has also been requested.

Whenever a due process hearing is requested by any party, the agency receiving the hearing request or complaint shall encourage the parties to the dispute to attempt mediation and shall provide the parties with contact information to reach the state's mediation service provider.

The Michigan Department of Education, Office of Special Education and Early Intervention Services (MDE - OSE/EIS), makes mediation services available free of charge to parents and school officials by annually awarding a grant to a mediation services provider to fund the cost of mediation. The grant is awarded based on a periodic competitive request for proposals.

Upon receipt of a request for mediation services, the agency project contact for information is the state's initiated project for mediation services.

When contacted, the mediation in-take worker or secretary shall obtain parental consent to secure confidential information regarding the student. The in-take worker shall do the following:

- 1) Describe the mediation process, including information regarding whether a complaint or a hearing has been requested or both;
- 2) Ask for information regarding issues of disputes;
- 3) Obtain contact information for the other party;
- 4) Request a copy of the student's most recent Individualized Education Program Team report;
- 5) Determine if the party would like a list of organizations that provide additional information or advocacy services;
- 6) Discuss who may be attending the mediation session (parent, parent-support person, school district administrative representative, school personnel who is familiar with the student, and anyone else who may have unique information regarding the student, such as a specialist);
- 7) Determine if anyone attending the mediation session has special needs (interpreter, wheel chair access, etc.); and
- 8) Contact the second party regarding the dispute(s) in question and obtain information above, as appropriate.
- 9) Upon completion of the in-take interview, provide written follow-up confirming the interview and the contents of what was discussed.
- 10) Determine a reasonable date, time and location of the mediation (may require several phone calls between the parties for this to occur);
- 11) Confirm the names and titles of those persons who may attend the mediation sessions;
- 12) Make arrangements for special accommodations, if needed;

- 13) Assign mediators from the Roster of Special Education Mediators;*
- 14) Notify both parties confirming the date, time and location of the mediation, names of mediators assigned and the names and titles of everyone who may participate in the mediation*; and
- 15) Brief the mediator on all information obtained thus far and provide copies of documents obtained, such as written complaints, notice of hearing request, proposed solution(s) and the student's latest individualized education program.

*Note: If the parties do not agree on the mediator assigned, the parties will review the Roster of Special Education Mediators to reach agreement.

At the beginning of the mediation session, the mediator will be sure that signed confidentiality statements are in place.

If during the mediation session(s) the parties reach agreement, the mediator will assist the parties in writing the agreement. If agreement is not reached, the parties may elect to proceed with the hearing process or complaint/investigation process, as deemed appropriate.

It is the school district's responsibility to notify all pertinent parties (MDE-OSE/EIS, hearing officer, intermediate school district) whether the agreement completely resolves all issues so that a hearing or complaint process may be terminated.